

ITEM 2
SEPTEMBER 18 & 20, 2019

ADLER AMENDMENT TO SECOND REVISED RESOLUTION OF SEPTEMBER 18, 2019

September 18, 2019
12:15 p.m.

RESOLUTION NO. _____

WHEREAS, the Austin City Council has identified ending homelessness as its top priority; and

WHEREAS, on June 20, 2019, the City Council voted to amend City Code Chapter 9-4-11 (*Camping in Public Area Prohibited*) to make camping in public areas criminal only when the camping activity materially endangered health and safety or when it intentionally, knowingly, or recklessly rendered impassable or impeded the reasonable use of the public area by making use of the area unreasonably inconvenient or hazardous; and

WHEREAS, unwanted camping, sitting, and lying remain prohibited on private property when forbidden by the property owner; and

WHEREAS, camping remains prohibited in public parks, public libraries, recreation centers, courthouses, City Hall and ceremonial buildings, the Capitol Complex, and other areas and facilities with administratively-imposed curfews or building use rules; and

WHEREAS, at the June 20, 2019, meeting, the Council also passed Resolution 20190620-184 directing the City Manager to recommend reasonable time and place opportunities and limitations on camping, sitting, and lying, as well as options for non-criminal strategies for enforcing the above; and

WHEREAS, in their August 30, 2019, memorandum, staff recommended that the City Council consider limiting camping in areas with high pedestrian and vehicular traffic, as well as high flood risk areas, for health and safety reasons; and

WHEREAS, the Council desires to ensure the public health and safety of individuals camping as well as those around them; and

WHEREAS, in consideration of the staff guidance and other community feedback related to public health and safety issues, the City Council has identified areas of the City where camping, sitting, and lying should not occur, and revisions to City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) reflect these clarifications; and

WHEREAS, proposed revisions to City Code Sections 9-4-11 and 9-4-14 identify sidewalks, trails, traffic islands, and steeply sloped areas under highways as being among the areas that pose health and safety risks, and those revisions would accordingly restrict camping; and

WHEREAS, proposed revisions to City Code Sections 9-4-11 and 9-4-14 identify land with a strong propensity to flood, creeks and rivers, storm drains and culverts, and high fire risk properties as being among the areas posing high flood risk or environmental concerns, and those revisions would accordingly restrict camping; and

WHEREAS, the public areas around the Austin Resource Center for the Homeless (ARCH) need improved maintenance, sanitation, and safety for ARCH guests, as well as other pedestrians, and the National Alliance to End Homelessness has recommended reducing activities that currently exist outside the ARCH to make the emergency shelter more welcoming to individuals experiencing homelessness; and

WHEREAS, Front Steps (the nonprofit manager of the ARCH) and the City of Austin have begun transforming services at the shelter as well as renovating the interior and exterior spaces; and

WHEREAS, proposed revisions to City Code Sections 9-4-11 and 9-4-14 prohibit camping, sitting, and lying around existing and planned emergency shelters; and

WHEREAS, while some of the proposed revisions would take effect immediately, others would be enforced only after individuals have been connected to housing and services; and

WHEREAS, as additional housing options become available citywide, the Council intends to phase in additional places where camping will be prohibited for public health and safety reasons; and

WHEREAS, Philadelphia implemented the “Encampment Resolution Pilot,” an interdisciplinary collaboration in which outreach teams connected individuals in identified encampments to low-barrier housing and services, and the program connected 126 individuals to housing and/or substance use treatment; and

WHEREAS, other cities and jurisdictions, including at least Orlando, Philadelphia and Minneapolis have implemented encampment strategies and programs that have also seen successes from which we can learn; and

WHEREAS, the City owns the former HealthSouth properties at 1215 Red River Street and 606 East 12th Street, and the City Council has directed the City Manager to **issue an RFP to help determine how the future of that property could best meet city priorities, including affordable housing** ~~identify a partner to collaborate on the redevelopment of the property to create housing, primarily for individuals who earn 60% of median family income~~; and

WHEREAS, the HealthSouth property is located within Downtown Austin relatively close to the ARCH; and

WHEREAS, several stakeholders, including Travis County Judge Eckhardt and Central Health Chief Executive Officer Mike Geeslin, signed a letter requesting that the City consider a range of possibilities for the property, including permanent supportive housing; and

~~**WHEREAS**, although it is a high priority, the redevelopment of Health South to create long term housing opportunities will take several years, and the building could be put to a short-term use in the interim instead of remaining vacant; and~~

WHEREAS, implementing the proposed ordinance changes will require an encampment response strategy, additional emergency shelter adequate funding, appropriate compliance measures, and the establishment of safer camping conditions; **NOW, THEREFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

ENCAMPMENT RESPONSE STRATEGY

The City Manager is directed to ~~implement~~begin implementing an Encampment Response Strategy immediately to address public health and safety at encampments ~~throughout the city. Such encampments will be prioritized by Integral Care (the Local Mental Health Authority) and City of Austin staff based on factors such as size, urgent needs of the population, and other issues related to public health and safety.~~

The Strategy will begin with the two to three highest priority encampments in the city: the encampments outside the Austin Resource Center for the Homeless (highest priority) and on the traffic islands and medians under the Ben White Boulevard overpass ~~from Lamar Boulevard to Manchaca at Manchaca~~ Road.

This Strategy will feature close ~~collaboration among~~collaborations as appropriate, considering without requirement or limitation, the City of Austin Homeless Strategy Officer and Ending Community Homelessness Coalition (ECHO), Front Steps, Salvation Army, Trinity Center, Caritas, the behavioral health and homelessness service system leaders, law enforcement, and housing and substance use treatment providers.

~~Outreach teams will~~Consideration should be given to having outreach teams assess the needs of individuals living in the encampments and, if appropriate, connect them to services and housing. Low-barrier shelter beds located in one or more facilities ~~will~~could be designated for this purpose, along with possible hotel vouchers. The City Manager ~~is directed to enter~~should consider entering into partnerships and data-sharing agreements as might be necessary and beneficial to facilitate this work.

The City Manager is directed to provide a progress report by December 1, 2019, as to the exterior and interior renovations at the ARCH, the transition to housing-focused services, safety

within and outside the shelter, and, in the context of an over-all plan of action, strategy, and timeline for meeting the homelessness challenge in Austin, the phased-in approach to eliminating camping, sitting, and lying in the immediate surroundings as described in City Code Sections 9-4-11 and 9-4-14.

The City Manager shall report at least monthly on the progress and effectiveness of the overall Encampment Response Strategy, and the overall action, strategy, and timeline for meeting the homelessness challenge in Austin, including information about additional encampments to be addressed as appropriate.

EMERGENCY SHELTER, TEMPORARY HOUSING, PERMANENT SUPPORTIVE HOUSING

The City Manager is directed to ~~use the HealthSouth building located at 1215 Red River 606 E. 12th Street, another~~ consider and report back to Council the expanded use of emergency shelters, temporary housing, and permanent supportive housing. Consideration may be given to, without limitation, city-owned ~~building~~ buildings and properties, available hotels/motels, and/or shelter beds available through City of Austin contract shelter providers as short-term, housing-focused, low-barrier emergency shelter and/or housing for single men and women who are unsheltered in the highest priority encampments. ~~The shelter shall operate for not more than one year~~ Without recommendation or requirement, consideration for this purpose should be given to a temporary use of not more than a year of the HealthSouth building located at 1215 Red River and 606 E. 12th Street.

Building upon the analyses conducted in response to Resolution No. ~~20170323-052 (repurposing HealthSouth for affordable housing), Resolution No.~~ 20170810-033 (temporary shelter activation), and Resolution No. 20190131-078 (immediate shelter and support services), the City Manager is directed to:

- allocate the necessary funds from the Fiscal Year 2020 budget for operations and maintenance of ~~the shelter~~ any identified and needed sheltering;
- expedite the contracting for and procurement of services for ~~the shelter~~ such sheltering; and
- make ~~the structure and services~~ available for use as soon as is practical ~~on or as soon after October 15, 2019, feasible.~~

In alignment with the National Alliance to End Homelessness' report, "Recommendations for the Redesign of Emergency Shelters in Austin," the City Manager is directed to consider:

- ~~ensure the shelter~~ ensuring shelters only ~~imposes~~ impose entry requirements that pertain to safety or legal requirements;
- ~~identify~~ identifying areas where individuals can store their possessions in a safe and secure manner;
- ~~permit~~ permitting individuals to come in with their partners, regardless of marital status;

- ~~explore a re-configuration of~~providing the ~~space~~opportunity to allow for people to come in with pets;
- ~~ensure~~ensuring that case management is housing-focused with an emphasis on case management activities directed toward obtaining and sustaining housing; and
- ~~include~~including other features and programs that are trauma-informed and of significant benefit to individuals who have been chronically unsheltered for an extended period.

The City Manager is directed to report monthly to the Council on the following performance metrics for operations of emergency shelter(s) in addition to whatever other metrics are important to measure and track:

- Total number of individuals served
- Total unique households served
- Total households entering shelter
- Total households exiting shelter to any destination
- Total households exiting to permanent housing
- Average number of days in shelter for all households exiting shelter to any destination
- Average number of days in shelter for all households exiting to a permanent housing destination
- Total household stayers who entered in previous months and remain in shelter

If significant barriers or challenges arise, the City Manager is directed to inform the Council immediately ~~so that they can determine and advise Council~~ if and how to refine the scope and capacity of ~~the~~ shelter(s) to ensure ~~it serves~~they serve as an effective and appropriate component of the City's crisis response system.

FUNDING

The City Manager is directed to identify and dedicate the necessary resources ~~for Council action no later than October 1, 2019,~~ to ensure that the City can successfully implement and appropriately as part of the overall strategy, plan of action, and timeline, initiate the implementation of the phased approach outlined in the proposed ~~homelessness Ordinance No. 20190918-003, amending Chapter 9-4-11 (Camping in Public Area Prohibited) and Chapter 9-4-14 (Obstruction in the Downtown Austin Community Court Area Prohibited),~~ as well as the Encampment Response Strategy.

The Encampment Response Strategy will require adequate funding for case management, other services, and housing, and outreach efforts will need to match the resources allocated for housing and support.

As the City Council intends for the Encampment Response Strategy to be ~~implemented~~initiated within the immediate future, the City Manager is directed to provide a status report by October 1, 2019. The report should outline an action plan and timeline with regard to ~~HealthSouth~~

~~and/or other~~ emergency shelter(s) as well as estimate and identify funding sources. The funding identified should be adequate for ~~the any~~ emergency shelter capital costs and operating expenses, services, and housing assistance required for the Encampment Response Strategy and for all other elements of initiating the phased approach.

SAFER CAMPING

That the Council affirms that state and local regulations will continue to be enforced ~~at encampments~~ across Austin equally, regardless of housing status. These include, but are not limited to, laws regulating the use of grills, fire pits, or other mechanisms for cooking or heating; those related to the building of structures; and those prohibiting drug use and public intoxication.

The Council further affirms that furniture or other objects should not be placed in a manner such that they could fall into the path of a pedestrian, vehicle, wheelchair, or micro-mobility device; that pet and human waste must be contained in an appropriate receptacle and trash and food waste deposited into a trash receptacle or bag provided for that purpose; and that no one shall be permitted to modify public infrastructure in ways that damage that infrastructure or to place furniture in a way that obstructs pedestrian access to benches, parking pay stations, patios, or other public amenities.

By December 1, 2019, the City Manager shall advise Council about any other practices that may pose public safety or health concerns for individuals camping or others and will thus be prohibited; the City Manager shall also estimate costs and propose a plan for offering replacement equipment to individuals experiencing homelessness who may be using items ~~such as mattresses~~ to camp that ~~pose~~ are identified as posing a public health or public safety risk.

The City Manager is directed to ~~identify existing encampments throughout the city~~ report back to Council with recommendations on whether and where the city should provide restrooms and garbage pickup. The City Manager is directed to examine options such as portable toilet and/or “wag bags,” as well as additional trash receptacles that may be provided to camps to improve sanitary conditions. The City Manager shall ~~prioritize~~ consider prioritizing such sites, ~~arrange~~ arranging for services, and shall provide Council with an update no later than November 1, 2019. The City Manager shall also explore facilitating access to showers and laundry services, perhaps through a mobile vehicle, and to report back on options. by January 1, 2019.

COMPLIANCE

The City Council desires to enforce the measures detailed in City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) with non-criminal methods to the greatest extent possible. The Council affirms Austin Police Department (APD)’s authority to issue citations and make arrests where allowed

and when necessary; however, the Council desires that APD seek voluntary compliance whenever possible.

Except in situations posing imminent public health or safety risk, the City Council intends to link enforcement of the proposed revised ordinance to the provision of housing and services for individuals in places where camping becomes prohibited.

The City Council affirms that a law enforcement officer may take an enforcement action for a violation of City Code Section 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) only after having contacted whenever reasonable, a member of a Homeless Outreach Street Team (HOST), case worker, community health paramedic or other City designee who shall have the opportunity to offer to transport a person who continues to camp in violation of City Code Section 9-4-11 to a location at which camping, sitting, or lying is not prohibited and, as reasonably possible, at which case management and housing services can be received.

~~To that end, the ordinance lays out a process of collaboration among~~ There should be a process of collaboration among, without limitation, members of law enforcement, the Homelessness Outreach Street Team (HOST), case workers, community health paramedics, or other city designees who shall strive to connect individuals camping in restricted areas to case management and emergency shelter leading to permanent housing- or directly to housing.

The City Manager shall compile and make available a guide to assist the public in understanding the prohibitions imposed by City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*). This guide should be completed by December 1, 2019. The City Manager shall also initiate a robust education and awareness campaign so individuals impacted by these changes can be alerted as quickly as possible.

In instances in which referral and/or transportation of people camping in prohibited areas is not feasible, and those people receive citations or are arrested, the City Manager is directed to catalog the circumstances in which the determination was made and to provide that report to the Council on a quarterly basis.